

**MAILED**

**JAN 16 2003**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MARK R. ALLEN

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Application 09/332,616

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on December 16, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed February 18, 2000 (Paper No. 8). It is not apparent from the record that the examiner considered the statement submitted nor notified applicants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application 09/315,411

On January 28, 2002, appellant filed two papers: the first paper entitled Appeal Brief (Paper No. 20) and a second paper entitled Declaration (Paper No. 21). In a review of the file, these two papers were not found. A copy of these two papers are necessary to complete the file.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for: 1) consideration of the Information Disclosure Statement filed February 18, 2000, 2) written notification to appellant of such considered action; 3) for obtaining a copy of the Appeal Brief and Declaration mailed January 28, 2002 (Paper Nos. 20 and 21), and 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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RA03-0112

Application 09/315,411

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